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In re Application of	:	
Gambini et al.	:	
Application No. 09/700536	:	DECISION ON
PCT No.: PCT/US99/11088	:	
Priority Date: 17 May 1999	:	PAPERS UNDER
Int. Filing Date: 16 May 1998	:	
For: Instrument for Monitoring	:	37 CFR 1.42
Polymerase Chain Reaction	:	
of DNA	:	

This is a decision on the papers filed on 15 November 2000, which are being considered under 37 CFR 1.42.

BACKGROUND

This international application was filed on 17 May 1999, and claimed an earliest priority date of 16 May 1998. A Demand electing the United States was filed on 15 December 1999, which was prior to the elapse of 19 months from the priority date. Accordingly, the 30 month time period for paying the basic national fee in the United States expired as of midnight on 16 November 2000.

On 15 November 2000, applicants filed a Transmittal Letter for entry into the national stage in the United States. The Transmittal Letter was accompanied by, *inter alia*, the required basic national fee, a "Fiduciary's probate Certificate" and a declaration of the inventors signed by Susan Atwood-Stone on behalf of deceased inventor John Atwood.

DISCUSSION

The declaration filed on 15 November 2000 is not in compliance with 37 CFR 1.42 because it is not clear from the evidence of record that Susan Atwood-Stone is empowered to act alone in representing the estate of deceased inventor John Atwood. Rather, the Fiduciary's probate Certificate names Judith Atwood and Susan Atwood-

Stone as "Co-Executors," which implies that the signatures of both are required. Moreover, the declaration is also deficient in that it does not identify the last residence, post office address and citizenship of John Atwood. Accordingly, it would be inappropriate to accord the application status under 37 CFR 1.42 on the basis of the present record.

CONCLUSION

The request is **DISMISSED**, without prejudice.

If reconsideration on the merits of this request is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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